

RESOLUTION NO. A-_____

1 WHEREAS, Rainmaker Restaurant Corp. has submitted an application for
2 a permit to use the public right-of-way along the west side of 700 "P" Street adjacent to
3 Jabrisco Restaurant for construction of an exterior staircase/fire exit from the basement of
4 the restaurant; and

5 WHEREAS, said applicant has submitted a letter of application and a site
6 plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and
7 made a part of this resolution by reference, to use the public right-of-way as above
8 described; and

9 WHEREAS, said applicant has complied with all of the provisions of Chapter
10 14.54 of the Lincoln Municipal Code pertaining to such use.

11 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
12 Lincoln, Nebraska:

13 That the application aforesaid of Rainmaker Restaurant Corp. to use the
14 public right-of-way along the west side of "P" Street, commonly known as 700 "P" Street,
15 for the purpose of constructing an exterior staircase/fire exit from the basement, be granted
16 as a privilege only by virtue of and subject to strict compliance with the site plan, the letter
17 of application, and the following terms and conditions, to wit:

18 1. That the permission herein granted is granted as a privilege only, and
19 is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code
20 including those provisions relating to the posting of a continuing bond in the amount of

1 \$5,000, and the filing of a certificate of insurance with a minimum combined single limit of
2 \$500,000.00 aggregate for any one occurrence.

3 2. That said use shall be in full accordance with the aforesaid application,
4 the site plan filed therewith, and with all applicable City ordinances and regulations.

5 3. The applicant, its heirs, successors or assigns shall save and keep the
6 City free and harmless from any and all loss or damages or claims for damages arising
7 from or out of the use of the public way requested herein.

8 4. That all work done under the authority of this resolution shall be
9 subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

10 5. This permit may be revoked by resolution of the City Council and after
11 giving of five days written notice to the Applicant by the City Clerk, for the following
12 reasons: (a) failure of the Applicant to pay the compensation required within ten days after
13 the date payment is due; (b) failure or neglect of the Applicant to comply with the provisions
14 of Chapter 14.54 of the Lincoln Municipal Code, or any other provisions of the Lincoln
15 Municipal Code or the provisions of the permit; (c) failure to use the space for which the
16 permit was granted for a continuous period of at least six months or (d) upon a
17 determination by the City that the space for which the permit was granted is needed for
18 public use.

19 Upon revocation of a permit, the Applicant shall forthwith remove or
20 abandon the space for which the permit was granted, together with the removal of any
21 structure at their own cost and expense and return that space to the City of Lincoln, free
22 and clear of all structures or encroachments of any type, at no expense to the City. If the
23 requested removal or abandonment has not been completed within six months after

1 revocation of the permit, the City Council may cause such removal or abandonment to be
2 so done and the cost of such work shall become a lien against the property of the
3 Applicant.

4 6. Applicant shall pay, as rental fee for the space occupied, an amount
5 equal to ten percent of the square foot value, as last fixed by the Board of Equalization, of
6 the lot directly abutting on the use, multiplied by the square footage of the use of space.

7 Said rental payments shall be made to the City Treasurer and shall be
8 due and payable on the 1st day of October of each year; provided however, the amount
9 of the initial payment required hereunder shall be pro-rated from the date when the permit
10 is issued to the 1st day of October of the next year and payments shall be due and payable
11 on October 1st thereafter. Rent shall become delinquent on the 1st day of December of
12 each year and such delinquent rent shall bear interest at the rate of one percent per month
13 until paid and if such rent is not paid for six months or more after such delinquent date, a
14 penalty of five percent shall be added thereto in addition to said interest.

15 7. The use of the public way herein granted and the terms and conditions
16 of this resolution shall be binding and obligatory upon the above-named applicant, its
17 successors and assigns.

18 8. That within thirty (30) days from the adoption of this resolution, and
19 before commencing any construction under the provisions hereof, the above-named
20 applicant shall file an unqualified written acceptance of all the terms and conditions of this
21 resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all
22 privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by:

Approved as to Form and Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2002:

Mayor